

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Atef Gayed

Serial No.: 10/031,947

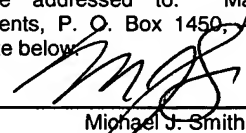
Filed: May 15, 2002

For: MULTI-DOSE ERYTHROPOIETIN  
FORMULATIONS

Group Art Unit: 1646

Examiner: Unknown

Atty. Dkt. No.: MAR618/4-005(A)US

<b>CERTIFICATE OF MAILING</b> 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop DD, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
December 11, 2003	
Date	Michael J. Smith

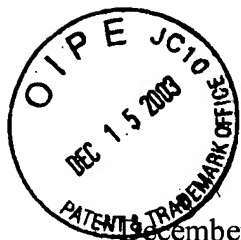
**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

MAIL STOP DD  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on the attached Form PTO-1449 (References B1-B2, C1-C2, and D1-D10) be considered by the Examiner and made of record. A copy of References B1 and B2 as required by 37 C.F.R. § 1.98(a)(2) are enclosed for the Examiner's review. Copies of references C1-C2 are not enclosed as they indicate a related U.S. patent application and an international search report.

Vinson & Elkins  
ATTORNEYS AT LAW



December 11, 2003

*smj 1646*  
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**CERTIFICATE OF MAILING**

I, certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Mail Stop DD, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 11, 2003

Date

Michael J. Smith

**MAIL STOP DD**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 10/031,947 entitled "Multidose Erythropoietin Formulations" by Atef Gayed (Atty. Docket No. MAR618/75000/4-005(A)US)

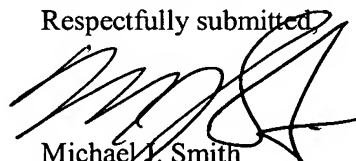
Sir:

Enclosed for filing in the above-referenced patent application is:

1. Supplemental Information Disclosure Statement;
2. PTO Form 1449 (References B1-B2, C1-C2, and D1-D10); and
3. A return postcard to acknowledge receipt of these documents. Please date stamp and mail this postcard.

Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Assistant Commissioner is hereby authorized to deduct said fees from VINSON & ELKINS L.L.P. Deposit Account No. 22-0365/MAR618/4-005(A)US/75000.

Respectfully submitted,



Michael J. Smith  
Reg. No. 51,381

102061:3058

Enclosures

cc: Joseph L. Kirk (w/o encls.)

Marya Breig, Docket Specialist (w/o encls.)

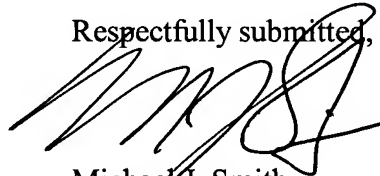
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Also, copies of references D1-D10 are not enclosed as they were previously submitted in U.S. Serial No. 10/031,922 filed May 13, 2002.

In accordance with 37 C.F.R. §§ 1.97(g),(h), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Supplemental Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is hereby authorized to deduct said fees from Vinson & Elkins L.L.P. Deposit Account No. 22-0365/MAR618/4-005(A)US/75000.

Respectfully submitted,



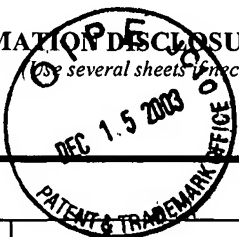
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512/542-8530

Date: December 11, 2003  
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# INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)



Docket Number (Optional)

**MAR618/4-005(A)US**

Application Number

**10/031,947**

Applicant(s)

**Atef Gayed**

Filing Date

**May 15, 2002**

Group Art Unit

**1646**

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

## FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
	B1	01/07075	02/01/01	WO	38	18		
	B2	01/07086	02/01/01	WO	47	18		

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

C1	U.S. Patent Application Serial No. 10/031,922 entitled "Preserved Pharmaceutical Formulations" by Atef Gayed filed May 13, 2002.
C2	International Search Report dated April 18, 2001.

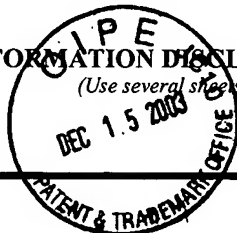
EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

# INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)



Docket Number (Optional)

MAR618/4-005(A)US

Application Number

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Applicant(s)

Atef Gayed

Filing Date

May 15, 2002

Group Art Unit

1646

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	D1	3,489,837	01/13/70	Hyman	424	257	
	D2	5,045,529	09/03/91	Chiang	514	6	
	D3	4,053,628	10/11/77	Stevenson et al.	424	283	
	D4	4,506,018	03/19/85	North, Jr.	436	10	
	D5	5,597,560	01/28/97	Bergamini et al.	424	78.04	
	D6	5,863,562	01/26/99	Tsao et al.	424	616	
	D7	6,022,551	02/08/00	Jampani et al.	424	405	

## FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
	D8	0 930 065	07/21/99	EP	7	48		

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	D9	Drug Facts and Comparisons 2000, 54th ed., pp. 698, 1319, 1330.
	D10	The Merck Index, 11th ed., pp. 7228 and 1084 (1989).

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.